

BEFORE THE ENVIRONMENT COURT

ENV-2017-ALK-000119

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 and the Resource Management Act 1991

AND

IN THE MATTER an appeal pursuant to section 156(1) of the Local Government (Auckland Transitional Provisions) Act 2010

BETWEEN **FEDERATED FARMERS OF NEW ZEALAND**
Appellant

AND **AUCKLAND COUNCIL**
Respondent

**NOTICE OF SOIL & HEALTH ASSOCIATION OF NEW ZEALAND'S
WISH TO BE A PARTY TO PROCEEDINGS
UNDER SECTION 274 OF THE RMA**

1 September 2017

TO: The Registrar
Environment Court
CX 100086
AUCKLAND

1. Soil & Health Association of New Zealand (**Soil & Health**) wish to be a party to the following proceedings:

ENV-2017-AKL-000119 Federated Farmers of New Zealand v Auckland Council

An appeal by Federated Farmers of New Zealand (**Appellant**) against a decision by the High Court to amend the Proposed Auckland Combined Plan as agreed between the University of Auckland and the Auckland Council (**Respondent**), as recorded in the judgment [2017] NZHC 1150 – *The University of Auckland v Auckland Council*.

2. Soil & Health made a submission on the subject matter of the proceedings and has a greater interest than the general public.
3. Soil & Health is not a trade competitor for the purposes of section 308C or 30CA of the RMA.
4. Soil & Health **opposes** the relief sought by the Appellant because:
 - (a) The Appellant has agreed to settle this matter by way of consent as set out in the decision of the High Court in *University of Auckland v Auckland Council* [2017] NZHC 1150.
 - (b) The Respondent has jurisdiction to consider land uses involving GMOs in its District Plan. See *Federated Farmers of New Zealand v Northland District Council* [2016] NZHC 2036. The Respondent has exercised jurisdiction and done so appropriately.
 - (c) The Environmental Protection Agency (**EPA**) has no jurisdiction pursuant to the Hazardous Substances and New Organisms Act 1996 (**HSNO**) to address the issues set out under section 31 of the RMA. Correspondingly the Respondent has a duty under section 31

of the Resource Management Act 1991 (**RMA**) to achieve the integrated management of the use and the effects of the use, of resources, including the use of GMOs, in its district.

- (d) The EPA has no jurisdiction pursuant to the HSNO to develop objectives, policies and methods for inclusion in local district plans pursuant to the RMA in respect of future land uses.
 - (e) The Respondent has prepared its proposed district plan in accordance with section 74 of the RMA and has assessed the values of the community when developing a policy response and methods to manage the risks and effects from the release and use of GMOS in the district.
 - (f) The Respondent judged the level of uncertainty and the complexities surrounding the risks of GMOs as a resource management issue. This required it to develop a precautionary risk management approach in order to address the risk of potential adverse environmental effects from GMOs, including on the social, economic and cultural conditions surrounding their use.
 - (g) The level of risk, the costs of the risks and the benefits of managing such risks in order to address uncertainty and adverse environmental effects, are relevant considerations pursuant to the section 32 of the RMA evaluation.
 - (h) The statutory regime contained in the RMA is not the same as that contained in HSNO in respect of the development, content and implementation of a unitary plan.
5. Soil & Health agrees to participate in mediation or other dispute resolution of the proceedings.

Dated this 1 day of September 2017



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of New Zealand

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